

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 27, 37, 38, 40, 41, and 44 are pending. Claims 27, 37, 38, 40, and 41 are amended by the present amendment. It is respectfully submitted that no new matter is added by this amendment, as support for the amendments may be found at least at page 44, lines 16-20 and Figures 1 and 12.

In the outstanding Office Action, Claims 27, 37, 38, 40, 41, and 44 were rejected under 35 U.S.C. §102(e) as anticipated by Kim et al. (U.S. Pat. No. 6,740,135, hereinafter "Kim") and Claims 27, 37, 39, 40, 41, and 44 were rejected under 35 U.S.C. §103(a) as unpatentable over Hiroshima et al. (U.S. Pat. No. 5,801,781, hereinafter "Hiroshima") in view of Lenihan et al. (U.S. Pat. No. 6,169,843, hereinafter "Lenihan") and Miwa (U.S. Pat. No. 6,285,825).

With regard to the rejection of Claims 27, 37, 38, 40, 41, and 44 under 35 U.S.C. §102(e) as anticipated by Kim, that rejection is respectfully traversed.

Amended Claim 27 recites an information medium comprising:

- a data area configured to record the bitstream information, and a management area configured to record the management information, wherein
  - a first data unit defines a data packet of transport packets or application packets,
  - a second data unit defines a data unit of stream blocks or stream object units,
  - a third data unit defines an object data of said stream object,
    - said bitstream information to be recorded in the data area is configured by at least one said third data unit including at least one said second data unit including one or more pairs of said first data unit and reception time information,
    - said second data unit includes header information just before the reception time information of a first pair of said first data unit and reception time information,
    - said header information includes reception time-related information, and

the management information is used to access the bitstream information to reproduce at least one data unit with said reproducing apparatus.

Kim relates to a method and apparatus for recording MPEG data streams to a digital video disc (DVD). Kim describes that the data stream is grouped into stream object units (SOBUs).<sup>1</sup> The SOBUs include transport stream packets (TS Pkt n) having transport stream packet arrival times (TS APATs).<sup>2</sup> The outstanding Office Action cites the first instance of TS APAT as a header for a packet.<sup>3</sup> However, assuming *arguendo* that the first TS APAT is a header, this header is not located “just before the reception time information of a first pair of said first data unit and reception time information,” as the next information in the stream is TS Pkt 1. Accordingly, it is respectfully submitted that Kim does not teach or suggest a “said second data unit includes header information just before the reception time information of a first pair of said first data unit and reception time information” as recited in Claim 27. As Kim fails to disclose or suggest the features of Claim 27, it is respectfully submitted that Claim 27 (and Claim 44 dependent therefrom) is patentable over Kim.

Since Claims 37, 38, 40, and 41 recite similar features to Claim 27, it is further respectfully submitted that Claims 37, 38, 40, and 41 also patentably define over Kim.

With regard to the rejection of Claims 27, 37, 38, 40, 41, and 44 under 35 U.S.C. §103 as unpatentable over Hiroshima in view of Lenihan and Miwa, this rejection is also respectfully traversed.

Hiroshima discloses an apparatus for converting MPEG-1 data to MPEG-2 formatted data. Hiroshima describes the stream as including packets (92) which may include a presentation time stamp (PTS) (124) and a decoding time stamp (DTS) (126).<sup>4</sup> The outstanding Office Action apparently cites packet (92) as header information including time-

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<sup>1</sup>See Kim, column 3, lines 31-50.

<sup>2</sup>See Kim, column 3, lines 23-30 and Figure 3.

<sup>3</sup>See outstanding Office Action, page 3, lines 8-10.

<sup>4</sup>See Hiroshima, Figures 6 and 7.

related information of the first data unit.<sup>5</sup> However, packet (92) is not located “just before the reception time information of a first pair of said first data unit and reception time information,” as the next information in the stream is presumably another packet beginning with a head start code (110).

Further, as conceded in the outstanding Office Action,<sup>6</sup> neither PTS nor DTS is a “reception time,” nor are they “reception time-related information.” The outstanding Office Action cites Lenihan as teaching reception time information.<sup>7</sup> However, Lenihan describes attaching a single arrival time stamp ATS to an entire transport packet.<sup>8</sup> It is respectfully submitted that there is no teaching or suggestion in either Hiroshima or Lenihan to provide “one or more pairs of said first data unit and reception time information,” much less “header information just before the reception time information of a first pair of said first data unit and reception time information.” Accordingly, it is respectfully submitted that neither Hiroshima nor Lenihan teaches or suggests a “second data unit” as recited in Claim 27.

Miwa relates to a computer readable storage medium storing a recording program. Although Miwa discloses VOBUs including header information, it is respectfully submitted that there is no teaching or suggestion in Miwa for a header including “one or more pairs of said first data unit and reception time information,” nor “header information just before the reception time information of a first pair of said first data unit and reception time information,” as recited in Claim 27. Thus, it is respectfully submitted that Miwa does not teach or suggest a “second data unit” as recited in Claim 27.

As none of Hiroshima, Lenihan, or Miwa, either alone or in combination, disclose or suggest the features recited in Claims 27, 37, 38, 40, and 41, it is respectfully submitted that Claims 27, 37, 38, 40, and 41 (and Claim 44 dependent therefrom) patentably distinguish

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<sup>5</sup>See outstanding Office Action, page 5, lines 7-9.

<sup>6</sup>See outstanding Office Action, page 5, line 10.

<sup>7</sup>See outstanding Office Action, page 5, line 11-14.

<sup>8</sup>See Lenihan, column 7, line 66 to column 8, line 5.

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over the applied combination of Hiroshima, Lenihan, and Miwa. Accordingly, it is respectfully requested that this rejection be withdrawn.

Moreover, it is respectfully submitted that there is no basis in any of the teachings of Hiroshima, Lenihan, or Miwa to support the applied combination. Certainly, the Office Action fails to cite to any specific teachings within any of these references to support the applied combination. Therefore, it is respectfully submitted that the combination of Hiroshima, Lenihan, and Miwa is based upon hindsight reconstruction, and is improper.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

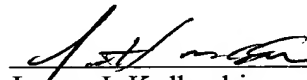
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